

1 U.S. DISTRICT JUDGE RICARDO S. MARTINEZ  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE DIVISION

8 THOMAS CLARK JR., )  
9 Plaintiff, ) CIVIL NO. 2:20-cv-00339-RSM  
10 vs. ) ORDER  
11 COMMISSIONER OF SOCIAL SECURITY, )  
12 Defendant )  
13 )

14 This matter comes before the Court on the parties' stipulated motion for attorney's fees  
15 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

16 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in  
17 §2412(d)(1)(B), from the entry of final judgement on November 18, 2020 to file a timely EAJA  
18 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.  
19 89, 94-96 (1991); FED. R. App. P. 4(a). Further, as the remand is a stipulated remand, it is  
20 unnecessary to wait the 60 days from Judgement as normally required to allow for appeal.  
21 Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is  
22 the prevailing party, the government's position was not substantially justified, and that the  
23 itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are  
24 met.

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ORDER FOR EAJA FEES - 1

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Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$3,971.52 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney: David Oliver & Associates, 2608 South 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;  
DATED this 6<sup>th</sup> day of January, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

S/David P. OLIVER  
David P. Oliver,  
Attorney for Plaintiff